Freedom of Information Act/U.S. Environmental Protection Agency: Public Employees for Environmental Responsibility Judicial Action Seeking Documents Related to Administrator's Comments About Agency Employees

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02/06/2026

The Public Employees for Environmental Responsibility ("PEER") filed a February 4th Complaint in the United States District Court for the District of Columbia against the United States Environmental Protection Agency ("EPA") alleging violations of the federal Freedom of Information Act ("FOIA"). See Civil Action NO. 26-0314.

PEER's Complaint states that it was filed to compel EPA to disclose records that were requested pursuant to FOIA:

… that are now over nine months overdue for a determination of whether to comply with the request and the reasons therefore.

EPA is alleged to have neither made a determination nor produced any records responsive to this request.

PEER states that the records being sought relate to a February 26, 2025, statement that EPA Administrator Lee Zeldin had indicated to the President that:

… many EPA employees "weren't doing their job," "didn't exist," or "were just obstructionists."

The Complaint states that the statements were "widely reported in the media and have been repeated by Administrator Zeldin himself."

EPA's Office of General Counsel is stated to have granted an appeal PEER filed determining that the Office failed to timely respond to PEER's subsequent clarification of its request and PEER adequately described the records it was seeking such that a search for records can be performed. It remanded the request to the Office of the Executive Secretariat for further processing.

A description of the documents sought pursuant to the FOIA request are contained in paragraph 14 of the Complaint.

The Complaint requests that the United States District Court enter an order declaring that EPA wrongfully withheld requested agency documents and enter a permanent injunction directing it to disclose all wrongfully withheld documents.

PEER describes itself as a:

… non-profit, nonpartisan organization that defends civil servants who protect the environment, safeguard scientific integrity, and holds the government accountable.

A copy of the Complaint can be found here.